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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,090	07/07/2003	Yong Cheol Park	0465-1039P	5080
2292	7590	09/21/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			TRAN, THANG V	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2627	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/613,090	PARK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thang Tran	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on June 28, 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-15, 18-22, 24-52, 67, 68 and 71 is/are pending in the application.

4a) Of the above claim(s) 10-15, 18-22, 24-28, 66 and 67 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9, 29-52 and 71 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 07 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

The communication dated 06/28/06 has been considered with the following results:

***Election/Restrictions***

1. Claims 10-15, 18-22, 24-28, 66, 67 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/12/05.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, 29-52 and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Gotoh et al (WO-98/14938-A) cited by Applicant.

Applicant is hereby referred to a corresponding U.S. Patent 6,292,625 cited herewith as a translation of the WO-98/14938-A cited by Applicant.

Regarding claim 1, Gotoh et al., according to Figs. 15, 16, 18-26, discloses a method for writing or reproducing a data to/from an optical recording medium having a defect management areas (see Figs.3-13, 23) for managing a defective area, comprising steps of: determining whether data to be written is a real time data (this step can be perform in the same manner as shown in Fig. 1 or 2); specifying defective areas by a host/controller (R1) based on information on defective areas listed on the defect management areas prior to writing a real time data steps (see step P101 or P301), if the data to be written is a real time data; generating a write command

by the host/controller (R1) such that the defective areas are not allocated to said real-time data to be written based upon the information on the defective areas (see step P102 or P302); and writing the real-time data by a recording drive (R3) on the optical recording medium in response to said write command (see step P104 or P304).

Regarding claims 2-5, see Figs.3-13, 23 for limitations recited in these claims.

Regarding claim 6, see column 17, lines 16-63, for limitations in this claim.

Regarding claim 7, see write command in Fig. 16 or 19.

Regarding claim 8, see steps P308-P310 in Fig. 19 for limitations in this claim.

Regarding claim 9, see steps P304-P310 in Fig. 19 for limitations in this claim.

Regarding claim 29, see the rejection applied to claim 1 above.

Regarding claims 30-32, see the rejection applied to claims 2-5 above.

Regarding claim 33, see the rejection applied to claim 6 above.

Regarding claim 34, see the rejection applied to claim 7 above.

Regarding claim 35, see the rejection applied to claim 8 above.

Regarding claim 36, see the rejection applied to claim 9 above.

Regarding claim 37, see the rejection applied to claim 1 above.

Regarding claims 38-39, see the rejection applied to claims 2-5 above.

Regarding claims 40-41, see the rejection applied to claim 6 above.

Regarding claim 42, see the rejection applied to claim 1 above.

Regarding claims 43-44, see the rejection applied to claims 2-5 above.

Regarding claims 45-46, see the rejection applied to claim 6 above.

Regarding claim 47, see the rejection applied to claim 1 above.

Regarding claims 48 and 49, see the rejection applied to claims 2-5 above.

Regarding claims 50 and 51, see the rejection applied to claim 6 above.

Regarding claim 52, see the rejection applied to claim 1 above.

Regarding claim 71, see either Fig. 16 or 19 for limitation in this claim.

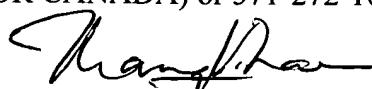
***Response to Arguments***

4. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Hoa can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Thang V. Tran  
Primary Examiner